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I am a lifelong resident of New Britain, and have been an attorney for twenty-six (26) years. I am writing this letter to express my strong support for legislation to either legalize or decriminalize possession of less than an ounce of marijuana.

Committee Bill No. 349, which would have decriminalized less than an ounce of marijuana, was proposed by Senator Looney in the 2009 session but it unfortunately was not enacted. Governor Rell indicated she would have vetoed it. The "Statement of Purpose" of said Bill was "to create a more sensible policy regarding marijuana possession by classifying the small amount of marijuana possession as an infraction". A copy of that proposed bill is attached. While I make reference to a number of articles, and all quotes are taken from them, I have for the sake of brevity (and postage) not attached them to this letter.

At the outset, I note that soon to be Governor Malloy stated in speaking with Uconn students on 9/6/10 that he "absolutely supports decriminalizing marijuana". In support of this overdue and sensible change in legislation/policy, I cite the following:

(a) President Obama appointed Gil Kerlikowski (who at the time of appointment was Seattle's Police Chief) to head the Office of National Drug Control Policy ("drug czar"), the most progressive person to hold that position. At the time he was appointed, he was Seattle's Chief of Police, and marijuana had been decriminalized in the City in 2003. A 3/22/09 Hartford Courant op-ed article noted that Seattle has been a champion of using the public health system rather than criminal justice to address problems caused by illegal drugs and it went on to state:

"Currently, the war on drugs costs the federal government approximately \$20 billion a year. In 2004, there were more than 40,000 Americans locked up for nonviolent marijuana offenses. Incarcerating these people costs us more than \$1 billion a year. And while most of the 800,000 people who are arrested every year for marijuana offenses don't end up doing time, taxpayers still have to pay substantial police and court costs – money most governments can no longer afford."

A 5/12/10 article in the Hartford Courant notes that the White House announced a shift in national drug policy that would treat illegal drug use as "public health issue."

(b) A Hartford Courant 7/31/10 editorial which urged that Connecticut follow Massachusetts and decriminalize less than an ounce of marijuana, referred to a Connecticut study done by the General Assembly's Office of Fiscal Analysis. The study indicates the State would save up to \$11 million and generate \$320,000.00 in revenue if marijuana was decriminalized. At present, possession of less than an

ounce of marijuana is a misdemeanor, punishable by a fine of up to \$1,000.00 and/or imprisonment for up to a year.

(c) A 2010 article entitled "Connecticut's Drug Policy" from the Institute For Municipal and Regional Policy at CCSU notes that 13 states have moved toward decriminalizing small amounts of marijuana, legalizing marijuana for medicinal purposes, or both. The article states:

"Incarceration represents only a fraction of criminal justice expenditures annually, though. In fact, judicial costs (i.e., court hearings, appointed council, prosecutions, clerical and administrative) contribute considerably to the millions of dollars appropriated to the Department of Correction (DOC). Combined, the current annual appropriations for DOC and the Judicial Branch are approximately \$1.2 billion. On the municipal level, annual police expenditures for drug arrests in Hartford alone are approximately \$22 million."

(d) There is also the disparity in how the State treats you depending on where you are arrested. Rick Green of the Hartford Courant in a 4/3/09 article states:

"Say the police in Manchester caught me driving around town one night smoking a joint with a small bag of weed on the dashboard. I'd be arrested and sent to Superior Court in Manchester. This being a misdemeanor and me never having been arrested before, I might get off with a fine, a diversionary program or even have my case dismissed.

It's unlikely, but I could end up like one of the 74 people that a state government report says are in jail or awaiting trial for possession of less than 4 ounces of pot.

On the other hand, if I were pulled over in West Hartford with less than 4 ounces of marijuana, it would be a different story.

I would be sent to community court in Hartford, where our justice system sends people arrested for low-level nonviolent crimes in the Hartford area. It is one of two prototype community courts in the state and a national model that serves Hartford and a handful of surrounding towns.

At community court, getting caught with pot is akin to cranking the car stereo.

If I'm polite and after a month my urine shows that I'm marijuana-free, my record would be cleaned in return for one day of picking up trash around Hartford."

As a criminal attorney, I have witnessed firsthand such disparity. How can the State of Connecticut treat its citizens in such a manner?

The following comments of or references to Judge Norko in the article, the Presiding Judge in the Hartford Community Court are telling:

"It brings to mind, what are we doing here that there is a different standard in each courthouse." All these marijuana arrests are "a severe demand on law enforcement and the court system that could be addressed more efficiently."

Norko told me that his court "handles it much more realistically and we extract from the defendant a sense that it is still illegal. We are treating this proportionately."

The real message about our society and pot is pretty obvious, said Norko, who sees more pot smokers than nearly any other judge in the state.

"Small amounts of marijuana are eventually going to end up decriminalized."

(e) A Hartford Courant op-ed on 4/11/09 by Stan Simpson refers to a Massachusetts based advocacy group, Law Enforcement Against Prohibition, who want to make marijuana legal. Its executive director is a retired cop (who spent 26 years with the New Jersey State Police, 12 of them as an undercover drug officer). Most of its 12,000 members are law enforcement types.

(f) In 4/1/09 and 7/20/10 op-ed pieces in the Hartford Courant, Leonard Pitts states (like a growing member of cops, judges, DEA agents, and even conservative icons like Ronald Reagan's Secretary of State George Schultz, former New Mexico Governor Gary Johnson, William F. Buckley, and Nobel Prize winning economist Milton Friedman) that the war on drugs is a total failure and that marijuana should be legalized.

As we have a Governor who "absolutely supports decriminalizing marijuana", the time to enact legislation which either decriminalizes or legalizes possession of a small amount of marijuana is now. Do we need (or want) a law which requires that a person who has a small amount of marijuana be arrested, handcuffed, booked, fingerprinted, and have to appear in Criminal Court (often more than once)? In addition to the stigma and embarrassment of an arrest, there is the collateral damage a conviction for possession has, which can affect a person's ability to get a job, go to college, rent an apartment, or obtain citizenship (or remain in this country). Is that sensible?

As Senator Martin Looney was quoted in support of Committee Bill No. 349, the change is "compassionate and pragmatic."

I thank you for your attention to this matter and hope that Connecticut will move forward in revising its antiquated (and ineffective) drug policies.

Sincerely,

Paul E. Zagorsky

PEZ/ds
Enclosures



General Assembly
January Session, 2009

Committee Bill No. 349

LCO No. 3594

03594SB00349JUD

Referred to Committee on Judiciary
Introduced by:
(JUD)

AN ACT CONCERNING THE PENALTY FOR POSSESSION OF A SMALL AMOUNT OF MARIJUANA.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (Effective October 1, 2009) Any person who possesses or has under his control less than one ounce of a cannabis-type substance, except as authorized in chapter 420b of the general statutes, shall have committed an infraction.

Sec. 2. Subsection (c) of section 21a-279 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2009):

(c) Any person who possesses or has under his control any quantity of any controlled substance other than a narcotic substance, or a hallucinogenic substance other than marijuana or who possesses or has under his control one ounce or more but less than four ounces of a cannabis-type substance, except as authorized in this chapter, for a first offense, may be fined not more than one thousand dollars or be imprisoned not more than one year, or be both fined and imprisoned; and for a subsequent offense, may be fined not more than three thousand dollars or be imprisoned not more than five years, or be both fined and imprisoned.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2009	New section
Sec. 2	October 1, 2009	21a-279(c)

Statement of Purpose:

To create a more sensible state policy regarding marijuana possession by classifying the

possession of a small amount of marijuana as an infraction.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]